

CLAIR & GJERTSEN, ESQS.
Attorneys for Debtors
Robert L. Cook and Joan L. Cook
720 White Plains Road
Scarsdale, New York 10583
Gary R. Gjertsen, Esq.

Hearing Date: January 12, 2016
Hearing Time: 11:00 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re:

**ROBERT L. COOK AND
JOAN L. COOK,**

Debtors.
-----X

Case No. 15-37227(cgm)

Chapter 13

NOTICE OF MOTION TO EXTEND AUTOMATIC STAY

PLEASE TAKE NOTICE, that upon the Affirmation of Gary R. Gjertsen, Esq., a partner with the firm of Clair & Gjertsen, Esqs., attorneys for ROBERT L. COOK AND JOAN L. COOK (the "Debtors"), dated December 4, 2015, a motion will be made to this Court before the Honorable Cecelia G. Morris, Chief Judge of the United States Bankruptcy Court, 355 Main Street, Poughkeepsie, NY 12601, on January 12, 2016 at 11:00 in the forenoon of that day or as soon thereafter as counsel can be heard for entry of an Order:

1. Pursuant to 11 U.S.C. §362 (c)(3)(B) extending the automatic stay provided for by 11 U.S.C. §362 throughout the completion of this chapter 13; and

2. For such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief sought herein shall be made in writing, shall state with particularity the grounds therefore, and shall be filed with the Court and served upon and received by the undersigned not later than three (3) days prior to the date of the hearing scheduled herein.

Dated: Scarsdale, New York
December 4, 2015

CLAIR & GJERTSEN, ESQS.

By: s/ Gary R. Gjertsen
Gary R. Gjertsen
Attorneys for Debtor
720 White Plains Road
Scarsdale, New York 10583
(914) 472-6202

To:

Honorable Cecelia G. Morris
Chief Bankruptcy Judge
Southern District New York
Poughkeepsie Division
355 Main Street
Poughkeepsie, NY 12601

United States Trustee
Office of the United States Trustee
74 Chapel Street
Albany, NY 12207

Jeffrey L. Sapir
Chapter 13 Trustee
399 Knollwood Road
Suite 102
White Plains, NY 10603

NYS Department of Tax and Finance
Bankruptcy Section
P.O. Box 5300
Albany, NY 12205

Shapiro DiCaro & Barak
175 Mile Crossing Blvd.
Rochester, NY 14624

Wells Fargo Bank NV N.A.
P.O. Box 31557
Billings, MT 59107

Wells Fargo Bank N.A.
Wells Fargo Home Mortgage Americas
Servicing
ATTN: Bankruptcy Dept. MAC x7801-014
3476 Stateview Road
Fort Mill, SC 29715

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

**ROBERT L. COOK AND
JOAN L. COOK,**

Case No. 15-37227(cgm)

Chapter 13

Debtors.
-----X

**AFFIRMATION IN SUPPORT OF NOTICE OF
MOTION TO EXTEND AUTOMATIC STAY**

STATE OF NEW YORK)
) SS.:
COUNTY OF WESTCHESTER)

Gary R. Gjertsen, an attorney duly admitted to practice before the Courts of the State of New York and the United States District and Bankruptcy Courts for the Southern District of New York, affirms the truth of the following under the penalties of perjury.

This is an application engendered by the 2005 Bankruptcy Reform Act. The Debtors had one prior Chapter 13 Bankruptcy Case (No. 14-36596), filed on August 5, 2014.

On February 23, 2015, the Debtors voluntarily converted their Chapter 13 to a Chapter 7 Bankruptcy Case (No. 14-36596), relieving themselves of all unsecured debt obligations. The Debtor was discharged by Order of Final Decree entered May 21, 2015. The Schedule I-Current Income of Individual Debtor(s) that exists for case 14-36596 is attached hereto and incorporated herein as Exhibit "A".

The Debtors are now in a better financial situation, to warrant a successful Chapter 13 Plan. Annexed hereto and incorporated as Exhibit "B" is the current Schedule I which shows that Debtors' combined income has increased significantly from \$5,768.60 to \$7,213.16, an

increase of \$1,354.66. The Debtors' Chapter 7 discharge combined with their increase in income produces an excellent chance of success in this Court's loss mitigation program for the Debtors. The Debtors have filed a loss mitigation form request and we will be submitting the order shortly to the Court.

WHEREFORE, it is respectfully requested that the Court grant the instant motion extending the automatic stay through this case.

Dated: Scarsdale, New York
December 4, 2015

s/ Gary R. Gjertsen
Gary R. Gjertsen

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Case No. 15-37227(cgm)

Chapter 13

ORDER EXTENDING AUTOMATIC STAY PURSUANT TO 11 U.S.C. §362(c)(3)

UPON the timely motion, dated December 4, 2015 (the "Motion"), of the Debtors herein, ROBERT L. COOK AND JOAN L. COOK (the "Debtors"), for an order pursuant to 11 U.S.C. §362(c)(3) extending the automatic stay under 11 U.S.C. §362(a) in this case beyond the 30th day after the commencement of this case; and there being due and sufficient notice of the Motion; and there being no objections to the requested relief; and upon the record of the hearing held by the Court on the Motion on January 12, 2016; and the Court having found and concluded that the Debtors have satisfied their burden to establish that the filing of this case was in good faith as to the creditors to be stayed; and upon all of the proceedings had before the Court; and, after due deliberation, sufficient cause appearing, it is hereby

ORDERED that the Motion is granted, and the automatic stay under 11 U.S.C. §362(a) is extended as to all creditors pursuant to 11 U.S.C. §362(c)(3) from and after the 30th day after the commencement of this case and shall remain in full force and effect, subject to further order of the Court on notice and a hearing.

Dated: January __, 2016
Poughkeepsie, New York

Hon. Cecelia G. Morris
Chief Bankruptcy Judge – S.D.N.Y.